

Wiki: The Crown

This article refers to the Commonwealth's concept of the monarchy's legal authority. For the Swedish band, see [The Crown \(band\)](#). For the Polish Kingdom, see [Crown of the Polish Kingdom](#).

Throughout the [Commonwealth realms](#), **the Crown** is an abstract [metonymic](#) concept which represents the legal authority for the existence of any government. It evolved naturally as a separation of the literal crown and property of the nation-state from the person and personal property of the monarch.

Similar concepts of "the Crown" also operate in other constitutional monarchies, in which (like the [United Kingdom](#)) the monarch is [Head of State](#), but the actual governing of the nation is conducted according to the wishes of a democratically elected national legislature. The [Holy Crown](#) of [Hungary](#) is an example that similar concepts, (although in symbolic rather than legal contexts), can survive even in a [republic](#).

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1. Description

The Crown itself is a [corporation sole](#) that represents the legal embodiment of the Executive Government. The *real* crowns (such as Britain's [Crown Jewels](#) and the [Honours of Scotland](#)) are the property of the Crown, not of the incumbent personally. "The Crown" is an abstract metonymic concept which represents the legal authority for the existence of the government

Like any corporation, the Crown is an artificial person (in this case, coextensive with a natural person) which can own property and has certain rights as provided by law to business entities. In the case of

[Commonwealth realms](#), the rights and powers of the Crown vary from state to state, because each national or state Crown is a separate corporation sole.

The Crown, as presented in the person of the Sovereign who holds the corporation sole, is the legal authority for the existence and operations of the government in each Commonwealth realm, including Australian states and Canadian provinces.

Most operations of the Crown are directed by Ministers of each of the democratically elected national parliaments, including Canadian provincial and Australian state parliaments.

Exceptions include ceremonial operations carried out by the sovereign personally, and the so-called [Reserve Powers of the Crown](#), the parameters of which are established by the constitution of each Commonwealth realm, such as the granting of [Royal Assent](#) by the [Crown in Parliament](#) to legislative acts, and the formal invitation to form a government. In general, they are exercised by the Monarch directly or by a vice-regal representative (such as a [Governor-General](#), [Governor](#), or [Lieutenant-Governor](#)), to ensure that the elected government follows the rules of the national constitution.

For example when the Canadian Prime Minister [Mackenzie King](#) was displeased with the results of a general election, including the loss of his own seat, he immediately asked Governor-General [Byng](#) to call a new election, which the Governor-General refused to do; for further details, see [King-Byng](#)

[Affair.](#)

2. United Kingdom

In the United Kingdom, as an example, *The Crown in Right of the United Kingdom* is an entity that represents all rulership in the UK, but is separate from the person currently wearing the physical crown. For instance, the Queen owns some of her castles herself, such as [Sandringham House](#) and [Balmoral Castle](#), and if she [abdicated](#) she would keep them. Others, including [Windsor Castle](#), [Buckingham Palace](#), and [Holyrood Palace](#), belong to the Crown, and would pass on to the next monarch, whoever that would be.

2. 1. Crown dependencies

The [Crown dependencies](#) are held in Right of the [United Kingdom](#), and the Queen's British ministers have the right to advise her on actions in the dependencies, not their insular ministers.

Although the dependencies are not part of the United Kingdom, the Parliament at Westminster has a competency and ability to legislate directly for them, although by convention does not often do so without the consent of their insular legislatures.

3. Other Commonwealth realms

The Crown in each of the [Commonwealth realms](#) is a similar but separate legal concept.

Both Canada and Australia are federations: therefore, besides the Crown in Right of Canada and the Crown in Right of the

Commonwealth of Australia, there are Crowns in Right of each [Canadian province](#) and each [Australian state](#). For example, there is the Crown in Right of the Province of [British Columbia](#). The rights which the Crown possesses in right of a Canadian province are exercised by the province's lieutenant-governor (e.g., the [Lieutenant-Governor of British Columbia](#)), not the [Governor-General of Canada](#), and such rights are exercised under the advice of the provincial ministers (not the federal ministers). The situation in Australia is analogous with [governors](#) and [state ministers](#) instead of the Canadian equivalents.

4. Crown Servants

Many government workers in the United Kingdom are *Crown Servants*. The Crown takes responsibility for upholding the [Queen's peace](#), and traditionally prison warders and [police officers](#) were directly employed by the Crown, and not by the Prison Service or Police Authorities. In a related way, there is the *Crown Prosecution Service* in the criminal courts whose [lawyers](#) are called *Crown Prosecutors*. Those working within the intelligence services such as [MI5](#) and [MI6](#) are also Crown Servants. Crown Servants may not sit as [Members of Parliament](#) and this is used as a way of allowing MPs to retire before their time —they are awarded a [sinecure](#) job as a Crown Servant and thus disbarred as an MP (see [resignation from the British House of Commons](#)). The Crown is also the source of all justice in the UK, which meant that it was immune from prosecution until the [Crown Proceedings Act 1947](#) opened

the Crown to ordinary court claims in contract and tort as for any other person.

5. Origins

The concept of the Crown took form under the [feudal system](#), evolving from and synthesising oriental and barbarian concepts of kingship. Under the feudal system, in [England](#) and (separately) [Scotland](#), all rights and privileges were ultimately granted by the ruler (though this was not the case in all countries that had this system). All land was granted by the Crown to lords, in exchange for feudal services, and they in turn granted the land to lesser lords. One exception to this was common [socage](#)—owners of land held as *socage* held it subject only to the Crown. The Crown as ultimate owner of all property also owns any property which has become [bona vacantia](#).

6. Exercise of the Rights of the Crown

In Commonwealth law, the expression "Crown in Right of ..." is often used: e.g., the Crown in Right of the [United Kingdom](#), the Crown in Right of [Canada](#), the Crown in Right of the Commonwealth of [Australia](#), the Crown in Right of the State of [New South Wales](#), etc.

In practice, the powers of the Crown outside the United Kingdom are rarely exercised by the Monarch directly, but rather by a local vice-regal representative such as a [Governor-General](#), [Governor](#), or [Lieutenant Governor](#), on the advice of the ministers of the appropriate local (federal/national, state or

provincial) government. In those few cases where the Monarch exercises powers directly, she again generally does so on the advice of the ministers of that government.

7. In the courts

In [criminal proceedings](#), the prosecuting party is the Crown; generally speaking, this is indicated by having *Rex* (for a male monarch) or *Regina* (for a female one) v. the defendant as the standard for naming criminal trials. In Australia particularly, on official transcripts of criminal trials the heading page reads "(name of defendant) v. The Queen". *Rex* and *Regina* are typically abbreviated *R*, for example a criminal case against Smith might be *R v Smith*, read "The Crown against Smith". In New Zealand court reporting, news reports will refer to the prosecuting lawyer (often called a *Crown prosecutor*, as in the United Kingdom) as representing the Crown, usages such as "For the Crown, Joe Bloggs argued..." being common.

This practice of using the seat of [sovereignty](#) as the injured party is analogous with criminal cases in the [United States](#), where the format is ["the people" or "the State"] v. [the defendant] (e.g. [People of the State of New York v. LaValle](#) or [State ex rel TLO](#)) per [popular sovereignty](#).

The Crown can also be a plaintiff or defendant in civil actions to which the government of the Commonwealth Realm in question is a party. Such [Crown proceedings](#) are often subject to specific rules and limitations,

for example about the way judgments against the Crown can be enforced.

8. Powers of the Crown

The powers which belong to each Crown in right of a particular realm can only be exercised on the advice of the ministers of the realm. So, for example, the rights which the Crown possesses in right of the United Kingdom can only be exercised under the advice of [British ministers](#), and the rights which the Crown possesses in right of Canada can only be exercised under the advice of [Canadian ministers](#). The [British prime minister](#) cannot advise Her Majesty in exercise of her rights in regard to Canada, nor can the [Canadian prime minister](#) advise her in exercise of her rights in regard to the United Kingdom. This applies also to various governments of a federation, so the ministers of the Commonwealth of Australia may not advise Her Majesty in exercise of her rights in regard to the state of Victoria, for instance, in the appointment of a state Governor.

9. See also

- [Crown land](#)
- [Crown copyright](#)
- [Crown dependency](#)
- [Royal Prerogative](#)
- [Succession to the British Throne](#)
- [Imperial Crown: legal usage](#)
- [Doctrine of the Holy Crown](#) (Hungary)

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